

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

| | | |
|---------------------------|---|-------------------|
| UNITED STATES OF AMERICA, | : | |
| | : | |
| vs. | : | DOCKET NUMBER |
| | : | 1:17-CR-0224-AT-1 |
| ALLEN J. PENDERGRASS, | : | |
| | : | ATLANTA, GEORGIA |
| DEFENDANT. | : | AUGUST 9, 2017 |

TRANSCRIPT OF AUDIO-RECORDED BOND HEARING PROCEEDINGS

BEFORE THE HONORABLE CATHERINE M. SALINAS

UNITED STATES MAGISTRATE JUDGE

APPEARANCES OF COUNSEL:

FOR THE GOVERNMENT:

JEFFREY A. BROWN
UNITED STATES ATTORNEY'S OFFICE

FOR THE DEFENDANT:

ROBERT H. CITRONBERG
LAW OFFICE OF ROBERT CITRONBERG

***MECHANICAL STENOGRAPHY OF PROCEEDINGS AND COMPUTER-AIDED
TRANSCRIPT PRODUCED BY:***

| | |
|---------------------------------|---------------------------------------|
| OFFICIAL COURT REPORTER: | SHANNON R. WELCH, RMR, CRR |
| | 2394 UNITED STATES COURTHOUSE |
| | 75 TED TURNER DRIVE, SOUTHWEST |
| | ATLANTA, GEORGIA 30303 |
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P R O C E E D I N G S

(Atlanta, Fulton County, Georgia; August 9, 2017.)

COURTROOM DEPUTY CLERK: All rise. Court is now in session, the Honorable Catherine Salinas presiding.

THE COURT: Good afternoon. Y'all can be seated.

MR. CITRONBERG: Hi, Judge.

MR. BROWN: Good afternoon.

THE COURT: Full house today.

We're here on 1:17-CR-224. It is United States v. Allen Pendergrass.

We've got Jeff Brown from the Government. Hello.

MR. BROWN: Good afternoon.

THE COURT: How are you doing?

MR. BROWN: Good.

THE COURT: All right. And we've got Bob Citronberg here.

MR. CITRONBERG: Good afternoon, Judge.

THE COURT: How are you doing?

MR. CITRONBERG: Excellent.

THE COURT: That must mean that you're Mr. Pendergrass?

THE DEFENDANT: Yes, Your Honor. Thank you.

THE COURT: All right. We're here to have your bond hearing. And I understand that the Government is in agreement to let you have a bond.

1 Is that right?

2 MR. BROWN: That's correct, Judge.

3 THE COURT: All right. So the only condition that
4 you're concerned with is where he lives. But if he is with his
5 daughter?

6 MR. BROWN: I'm not concerned with that. I'm just
7 concerned -- I'm just asking you to follow the recommendation
8 of the pretrial services report.

9 THE COURT: Okay.

10 MR. BROWN: And I think -- yeah. I'm concerned with
11 no contact with his co-defendant -- direct contact with his
12 co-defendant or indirect contact with his co-defendant, unless
13 through his attorney.

14 THE COURT: Okay.

15 MR. CITRONBERG: I've told him not to talk to any
16 co-defendant --

17 THE COURT: Don't talk to your co-defendants.

18 MR. CITRONBERG: -- or anybody else for that matter
19 unless he talks to me.

20 THE COURT: Right. And follow your lawyer's advice.
21 But if you do talk to a co-defendant, that would also be a
22 violation of my bond and get you in extra trouble.

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: You don't want to get Mr. Citronberg on
25 your bad side either.

1 THE DEFENDANT: No.

2 THE COURT: He is probably scarier than I am.

3 I'll just run through the conditions, and y'all just
4 holler if anything doesn't work. Okay?

5 MR. BROWN: Okay.

6 THE COURT: So the first thing you're going to do is
7 as soon as you are released, which I think is going to be
8 Friday or Monday -- I'm not sure of the details. But in
9 terms --

10 THE DEFENDANT: Friday.

11 MR. CITRONBERG: My understanding from the Marshals
12 is Friday.

13 THE COURT: So my bond -- I'm saying that as of now
14 we're not holding you. So anything that is holding you beyond
15 now is going to be your other hold. Okay?

16 So according to my bond, immediately upon your
17 release, you've got to go and see pretrial services. Okay?

18 Is he going to work, go to school?

19 THE DEFENDANT: School. I already have received a
20 grant. I start school next month.

21 THE COURT: Excellent. Okay. I'm going to make that
22 a condition of your bond that you keep going to school.

23 THE DEFENDANT: That's fine. Thank you.

24 THE COURT: If anything goes wrong with that, you
25 just let your probation officer know. But I want you to stay

1 in school.

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Do you have a passport?

4 THE DEFENDANT: No.

5 THE COURT: You don't have one? Okay. Well, don't
6 go get one while you're on my bond. Okay?

7 I want you to live with your daughter. And what's
8 her name?

9 THE DEFENDANT: Ashley.

10 THE COURT: Ashland?

11 THE DEFENDANT: Ashley.

12 THE COURT: Ashley Pendergrass?

13 THE DEFENDANT: Pendergrass.

14 MR. CITRONBERG: She's here, Judge.

15 THE COURT: Hi, Ms. Pendergrass. Where are you? Are
16 you all right having your dad live with you?

17 MS. ASHLEY PENDERGRASS: Yes, ma'am.

18 THE COURT: Okay. Tell me what your address is.

19 MS. ASHLEY PENDERGRASS: 57 Bay Branch Boulevard,
20 Fayetteville, Georgia, 30204.

21 THE COURT: Hang on. 57 is the whole number?

22 MS. ASHLEY PENDERGRASS: Yes, ma'am.

23 THE COURT: 57 Bay Bridge Boulevard in where?

24 MS. ASHLEY PENDERGRASS: It is Bay Branch. Two
25 separate words.

1 THE COURT: Oh, Bay Branch?

2 MS. ASHLEY PENDERGRASS: Yes, ma'am.

3 THE COURT: Boulevard in where?

4 MS. ASHLEY PENDERGRASS: Fayetteville.

5 THE COURT: Oh, in Fayetteville. Okay.

6 That is where I want you to live.

7 Thank you.

8 Sir, if for some reason that doesn't work out and you
9 need to change it, you need to talk to your probation officer.
10 Because for now, that is where I want you to live.

11 THE DEFENDANT: Okay. Thank you, Your Honor.

12 THE COURT: All right. No guns. If there are any
13 guns in the house, they need to be removed.

14 Okay. Well, it is Georgia. I mean, people have
15 guns. It is not a bad thing apparently to have guns. But he
16 shouldn't be around them at all. Okay?

17 So if you're in a car with a gun, what do you do?

18 THE DEFENDANT: Get out.

19 THE COURT: Get out of the car. I mean, because you
20 know people who will throw the gun in the back seat. Stuff
21 happens. So don't be around guns anywhere. But do not possess
22 a gun.

23 THE DEFENDANT: Yes, Your Honor.

24 MR. CITRONBERG: I had a fellow years ago, same
25 provision. He found a gun, and he took it to the pawn shop,

1 and he got prosecuted.

2 THE COURT: Yeah. Don't do that. If you find a gun,
3 go, look at that, and you walk away.

4 All right. I don't know what your drinking situation
5 is. But I'm going say it is okay to drink, you can't just
6 drink excessively.

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: No drugs.

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Does he need -- do y'all anticipate him
11 needing drug testing?

12 MR. BROWN: No.

13 THE COURT: No? Okay.

14 MR. BROWN: I don't think so.

15 THE COURT: All right. And if you have any
16 interactions with the police, anything -- you get pulled over
17 for a warning, report it to your probation officer.

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Especially anything more serious, of
20 course, you do that as well. It is just going to be real
21 important to have a good relationship with your probation
22 officer. That way, if you need to change anything or you need
23 to go to a funeral or do something like that, if you're on good
24 terms with them, they are more likely to help you out.

25 If you have trouble getting what you need, your

1 lawyer can come to me and we can talk about modifying the
2 conditions. But definitely talk to them and stay on good
3 terms.

4 THE DEFENDANT: Thank you.

5 THE COURT: In terms of -- and we'll just restrict
6 him to the Northern District of Georgia. Does that work?

7 MR. CITRONBERG: Yes.

8 THE COURT: Is your school in the Atlanta area?

9 THE DEFENDANT: Yes.

10 MR. CITRONBERG: And if you somehow need to cross the
11 border of the Northern District -- and probation, they will
12 give you a map -- again talk to me and talk to your probation
13 officer. Don't just go.

14 THE DEFENDANT: Okay.

15 THE COURT: So you're restricted to the Northern
16 District of Georgia.

17 And where does the Middle District run in going
18 south?

19 MR. CITRONBERG: It is kind of weird.

20 THE COURT: They are in Fayetteville. They are
21 pretty far south already.

22 MR. CITRONBERG: Yeah. It is close to that.

23 THE COURT: Macon is definitely the Middle District.

24 MR. CITRONBERG: Athens is the Middle District.

25 THE COURT: So only go north.

1 All right. Is there anything -- anything else from
2 the Government that you would like me to put on this bond?

3 MR. BROWN: Not from the Government, Your Honor, no.

4 THE COURT: All right. Well, that's all we're going
5 to -- those are your restrictions. Hopefully everything will
6 work out, and you'll get out on Friday. I don't know the
7 details of that. That is out of my -- my restriction. But
8 this will keep you from being held here.

9 THE DEFENDANT: Thank you.

10 THE COURT: Mr. Citronberg, I was worried. When I
11 heard that he was supposed to go in front of Judge Larkins and
12 I was like that was two and a half weeks ago, don't we need to
13 get him -- and then I found out he wasn't going to be getting
14 out until Friday anyway.

15 MR. CITRONBERG: Yep.

16 THE COURT: So I'm glad -- I'm glad you weren't
17 sleeping on the job.

18 MR. CITRONBERG: I tried.

19 THE COURT: Well, it looks like you succeeded. I was
20 just afraid that he has been eligible for a bond since two and
21 a half weeks and we didn't get him.

22 MR. CITRONBERG: No. I tried. But nope. When they
23 got you, they like to keep you.

24 Judge, I filed something asking for additional time
25 to file motions and essentially join the pretrial conference

1 with the co-defendants.

2 THE COURT: All right. I don't know much about this
3 case. So --

4 MR. CITRONBERG: FYI.

5 THE COURT: Any motion for continuance under those
6 circumstances would be granted --

7 MR. CITRONBERG: Okay. Thanks.

8 THE COURT: -- since I don't know what is going on.

9 MR. CITRONBERG: I did look at the video that was
10 provided. It was only five seconds long.

11 THE COURT: All right, Mr. Pendergrass. I direct you
12 ordered release after processing.

13 Is that the one I check? I'm asking the Marshals
14 now.

15 I can either check the ordered release after
16 processing or keep him until you are notified by a clerk or the
17 judge the defendant has posted bond or complied with all other
18 conditions of release.

19 COURTROOM DEPUTY CLERK: (Inaudible.)

20 THE COURT: So according to me, he could be released.
21 Okay. I'll just check that one.

22 All right. I'm checking the good one that says
23 release you after processing. But they are going to hold you
24 if there are holds.

25 And I didn't say it. But this is a 50,000-dollar

1 unsecured bond. So you don't have to pay any money today. But
2 if for some reason you don't come to court, the Government will
3 have a 50,000-dollar judgment against you. But that will be
4 the least of your worries if you don't come to court. So
5 please come to court.

6 All right. Ma'am, I appreciate you coming to court
7 in support of your father. Thank you. I really appreciate it.
8 I know it is a hassle, and I know we changed the time of the
9 hearing, and I know it is very inconvenient for you.

10 But it makes a difference to me, I think to everybody
11 involved to know that he's got a supportive family and a place
12 to stay.

13 So thank you so much. I appreciate it.

14 MR. CITRONBERG: Thank you, Judge.

15 THE COURT: All right. We'll be in recess on Mr.
16 Pendergrass's case.

17 MR. CITRONBERG: May I be excused?

18 THE COURT: Yes, you may.

19 MR. CITRONBERG: Thank you, Judge. Good to see you.

20 **(The audio-recorded proceedings were thereby**
21 **concluded at 1:54 P.M.)**

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C E R T I F I C A T E

UNITED STATES OF AMERICA

NORTHERN DISTRICT OF GEORGIA

I, SHANNON R. WELCH, RMR, CRR, Official Court Reporter of the United States District Court, for the Northern District of Georgia, Atlanta Division, do hereby certify that the foregoing 11 pages constitute a true transcript of proceedings had before the said Court, held in the City of Atlanta, Georgia, in the matter therein stated.

In testimony whereof, I hereunto set my hand on this, the 28th day of October, 2022.



SHANNON R. WELCH, RMR, CRR
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
OFFICIAL CERTIFIED TRANSCRIPT